

197—1.13(17A,22) Availability of records.

1.13(1) *Open records.* Agency records are open for public inspection and copying unless otherwise provided by rule or law.

1.13(2) *Confidential records.* The following records may be withheld from public inspection. Records are listed by category, according to the legal basis for withholding them from public inspection.

- a. Sealed bids received prior to the time set for public opening of bids (Iowa Code section 72.3).
- b. Tax records made available to the agency (Iowa Code sections 422.20, 422.72).
- c. Records which are exempt from disclosure under Iowa Code section 22.7.
- d. Minutes of closed meetings of a government body (Iowa Code section 21.5(4)).
- e. Identifying details in final orders, decisions, and opinions to the extent required to prevent a clearly unwarranted invasion of personal privacy or trade secrets under Iowa Code section 17A.3(1) “d.”
- f. Those portions of agency staff manuals, instructions, or other statements issued which set forth criteria or guidelines to be used by agency staff in auditing, in making inspections, in settling commercial disputes or negotiating commercial arrangements, or in the selection or handling of cases, such as operational tactics or allowable tolerances or criteria for the defense, prosecution or settlement of cases, when disclosure of these statements would:

- (1) Enable law violators to avoid detection;
- (2) Facilitate disregard of requirements imposed by law; or
- (3) Give a clearly improper advantage to persons who are in an adverse position to the agency (See Iowa Code sections 17A.2, 17A.3).

g. Records which constitute attorney work product, attorney-client communications, or which are otherwise privileged. Attorney work product is confidential under Iowa Code sections 22.7(4), 622.10 and 622.11, Iowa R.C.P. 122(c), Fed. R. Civ. P. 26(b)(3), and case law. Attorney-client communications are confidential under Iowa Code sections 622.10 and 622.11, the rules of evidence, the Code of Professional Responsibility, and case law.

h. All records relating to the examination of a savings and loan association which show in detail all matters connected with the association’s conduct of business, its financial standing and matters touching its solvency, plan of business and integrity. This shall include all exam-related correspondence, all records of personal and telephonic meetings relating to such examinations, all interim examination monitoring reports, and all applications, reports, materials, documents, and other information obtained from the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation, or their agents pursuant to any formal agreement authorizing the privileged, confidential exchange of such information (Iowa Code section 534.403(3)).

i. Any information relative to the names of the members of any association or the amounts invested by them, except as allowed by law (Iowa Code section 534.403(3)).

j. Any other information made confidential by law or rule.

1.13(3) *Authority to release confidential records.* The agency may have discretion to disclose some confidential records which are exempt from disclosure under Iowa Code section 22.7 or other law. Any person may request permission to inspect records withheld from inspection under a statute which authorizes limited or discretionary disclosure as provided in rule 1.4(17A,22). If the agency initially determines that it will release such records, the agency may where appropriate notify interested parties and withhold the records from inspection as provided in subrule 1.4(3).